

1 _____ BILL NO. _____

2 INTRODUCED BY _____
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT REQUIRING A MINIMUM LEASE TERM FOR A MOBILE HOME
5 PARK LOT RENTAL; AND AMENDING SECTIONS 70-33-201 AND 70-33-429, MCA."

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7 WHEREAS, Montana residents currently face a housing crisis that includes a lack of affordable housing
8 and lack of available mobile home park spaces; and

9 WHEREAS, mobile homes are not "mobile" without substantial moving costs and the potential for
10 substantial damage to the mobile home; and

11 WHEREAS, current statute allows for month-to-month lease terms for mobile home lot rentals, a period
12 that is too short to provide housing stability and security; and

13 WHEREAS, the federal Department of Housing and Urban Development provides for a Manufactured
14 Home Loan Program under Title 1; however, an initial lease term of at least 3 years is required to qualify for the
15 program; and

16 WHEREAS, a minimum lease term of 3 years for a mobile home lot rental provides housing security for
17 Montana citizens and also allows tenants to qualify for additional funding programs that result in increased
18 homeownership.

19

20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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22 **Section 1.** Section 70-33-201, MCA, is amended to read:

23 **"70-33-201. Rental agreements.** (1) A landlord and a tenant may include in a rental agreement terms
24 and conditions not prohibited by this chapter or other rule or law.

25 (2) Unless the rental agreement provides otherwise:

26 (a) the tenant shall pay as rent the rental value for the use and occupancy of the lot as determined
27 by the landlord;

28 (b) rent is payable at the landlord's address or using electronic funds transfer to an account

1 designated for the payment of rent by the landlord;

2 (c) periodic rent is payable at the beginning of a term that is a month or less and otherwise in
3 equal monthly installments at the beginning of each month;

4 (d) rent is uniformly apportionable from day to day;

5 (e) the tenancy is ~~from month-to-month~~ for a minimum of a 3-year term unless otherwise requested
6 by the tenant in a documented, informed waiver signed by the tenant; and

7 (f) the lease must provide that written notice must be given to the tenant at least 180 days before
8 the lease is to be terminated by the landlord; and

9 (g) if either party terminates the rental agreement without cause prior to the expiration date of the
10 lease term, the aggrieved party is entitled to monetary damages up to 1 month's rent or an amount that is
11 agreed on in the rental agreement, which may not exceed 1 month's rent. Landlords shall follow 70-33-426(2)
12 and are entitled to rent from defaulting tenants up to the date a new tenancy starts or the date the rental
13 agreement term expires.

14 (3) Rent is payable without demand or notice at the time and place agreed ~~upon~~ on by the parties
15 or as provided by subsection (2)."

16
17 **Section 2.** Section 70-33-429, MCA, is amended to read:

18 **"70-33-429. Holdover remedies -- consent to continued occupancy.** (1) If the tenant remains in
19 possession without the landlord's consent after expiration of the term of the rental agreement or other
20 termination of the rental agreement, the landlord may bring an action for possession.

21 (2) If the term is longer than ~~month-to-month~~ month-to-month and the landlord terminates the
22 agreement with cause and the tenant's holdover is purposeful and not in good faith, the landlord may recover
23 an amount of not more than 3 months' rent or treble damages, whichever is greater.

24 (3) If the term of the rental is month-to-month and the landlord terminates the rental agreement
25 without cause and issues a lawful 30-day notice and the tenant remains in the rental unit after the termination
26 date, then the holdover is purposeful and the landlord may recover an amount not more than 3 months' periodic
27 rent or treble damages, whichever is greater.

28 (4) In an action for possession or unlawful holdover, the provisions of the Montana Justice and City

1 Court Rules of Civil Procedure, Title 25, chapter 23, apply, except that the time for filing an answer under Rule
2 4C(2)(b) is 5 business days after service of summons and complaint, exclusive of the date of service.

3 (5) If the landlord consents to the tenant's continued occupancy, ~~70-33-201(2)(e)~~ applies the term
4 is month-to-month."

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